

MINUTES
MOUNT VERNON CITY COUNCIL
JULY 7, 2014

The Mount Vernon City Council met July 7, 2014 at Mount Vernon City Hall Chambers with the following members present: Taylor, Thompson, Niemi, and Hampton. Absent: Roudabush.

1. Call to Order. At 6:30 p.m. Mayor James Moore called the meeting to order.
2. Approval of Agenda. City Administrator Mike Beimer stated that the City did not receive any sealed bids for Agenda item #14 so at that time Council can discuss whether or not they want to negotiate a price with any interested parties. Motion to approve the agenda made by Hampton, seconded by Niemi. Carried all. Absent: Roudabush.
3. Consent Agenda. Motion made by Hampton to approve the Consent Agenda, seconded by Taylor. Carried all. Absent: Roudabush.
 - a. Approval of minutes of June 16 and June 23, 2014.
 - b. Claims for approval.

PAYROLL	PAYROLL	ALL DEPTS	79,696.61
BRIDGE COMMUNITY BANK	2010 GO REFUNDING NOTE		25,725.25
LYNCH FORD	2014 EXPLORER	PD	24,550.00
LINN COUNTY PLANNING & DEVELOP	BLDG PERMIT FEES/INSPECTIONS		18,203.10
IPERS	IPERS	ALL DEPTS	13,775.05
STREB CONSTRUCTION	HWY 30 CORRIDOR IMPROVMENTS	RAB	13,331.11
TYLER TECHNOLOGIES	SOFTWARE SUPPORT	ALL DEPTS	4,494.80
BURROUGHS, RICHARD	CEMETERY MAINT		4,050.00
SIMMONS PERRINE MOYER BERGMAN	LEGAL FEES	RAB	3,227.50
SCHIMBERG COMPANY	SUPPLIES	WAT	2,215.07
LINN CO-OP OIL CO	FUEL	PW	2,072.59
US BANK	SUPPLIES, UNIFORMS, TOOLS, ETC	ALL DEPTS	1,994.37
SAUTER BATY ASSOCIATES	CONSEPTUAL PRELIMINARY DESIGN		1,567.50
SIMMONS PERRINE MOYER BERGMAN	LEGAL FEES	P&A	922.50
STAPLES ADVANTAGE	SUPPLIES	POOL P&A	686.03
SIMMONS PERRINE MOYER BERGMAN	LEGAL FEES	P&A	502.50
DIESEL TURBO SERVICES	CHARGING PROBLEMS	PW	499.00
RAPIDS REPRODUCTIONS INC	7TH ST NW RECONSTRUCTION	LOST II	475.20
POOL TECH INC	CHEMICALS	POOL	466.95
SAM'S CLUB #8162	CONC STAND	POOL	428.06
ESRI INC	SOFTWARE MAINT AGREEMENT		400.00
ELECTRONIC ENGINEERING CORP	INFORMATION SYSTEMS	PW	399.60
POSTMASTER	UTIL BILL POSTAGE	WAT SEW SW	369.14
TASC	ADMIN FEE	ALL DEPTS	330.00
COGRAN SYSTEMS	ONLINE REGISTRATION FEE	P&REC	322.00
SANDERS, KATEY	SWIM LESSON FEE	POOL	300.00

GORDON LUMBER COMPANY	SUPPLIES	P&A	266.29
		P&REC	
POOL TECH INC	CHEMICALS	POOL	248.00
RAPIDS REPRODUCTIONS INC	7TH ST NW RECONSTRUCTION	LOST II	237.60
EVER-GREEN LANDSCAPE NURSERY	SPIREA BUSHES	FD	230.00
KIEFER & ASSOCIATES	WHISTELS, WRIST BANDS, LANDYARDS	POOL	187.58
CREATIVE PRODUCT SOURCING	DARE	PD	154.05
ID WHOLESALER	CARS, RIBBON	POOL	148.42
PLUMB SUPPLY CO	SELF CLOSING FOUNTAIN	RUT	144.57
		P&REC	
GALLS INC	UNIFORMS	PD	124.83
GALLS INC	UNIFORMS	PD	124.83
GALLS INC	UNIFORMS	PD	116.00
BEIMER, MICHAEL R	MONTHLY MILEAGE	P&A	112.20
MOUNT VERNON, CITY OF	START UP CASH	POOL	100.00
MOUNT VERNON, CITY OF	DEPOSITS TO FINALS	WAT	100.00
MOUNT VERNON, CITY OF	DEPOSITS TO FINALS	WAT	100.00
MOUNT VERNON, CITY OF	DEPOSITS TO FINALS	WAT	100.00
GEHRKE, TODD	TRAINING	PD	97.00
SHERWIN WILLIAMS CO.	FIELD PAINT	P&REC	93.42
MOUNT VERNON, CITY OF	DEPOSITS TO FINALS	WAT	90.94
TASC	RENEWAL/ADMIN FEE	ALL	85.00
		DEPTS	
SIMMONS PERRINE MOYER BERGMAN	LEGAL FEES	LOST II	75.00
CREATIVE PRODUCT SOURCING	DARE	PD	71.49
DIESEL TURBO SERVICES	AIR FILTER	RUT	68.28
DIESEL TURBO SERVICES	HYD OIL	RUT	67.50
POOL TECH INC	DIFFUSER	POOL	60.58
MOUNT VERNON, CITY OF	DEPOSITS TO FINALS	WAT	57.22
BENHART, SHERRIE	CLEANING SERVICE	P&A	52.50
BENHART, SHERRIE	CLEANING SERVICE	P&A	52.50
SAM'S CLUB #8162	MEMBERSHIP	POOL	45.00
DEPOSIT REFUNDS	REFUND	WAT	42.78
GALLS INC	UNIFORMS	PD	41.61
RAPIDS REPRODUCTIONS INC	PLUMB NAILS	RUT	24.98
GRAINGER INC	BIB APRON	WAT SEW	23.44
RIPKE, SUE	MILEAGE	P&A	20.16
ELECTRONIC ENGINEERING CORP	PAGER SERVICE	EMA	11.95
DEPOSIT REFUNDS	REFUND	WAT	9.06
STAPLES ADVANTAGE	SUPPLIES	POOL	7.28
P&K MIDWEST INC	SUPPLIES	RUT	5.33
HERITAGE DAYS FOUNDATION	CONTRIBUTION	ECON	3,000.00
		DEV	
BURROUGHS, RICHARD	CEMETER MAINT	JUNE 3, 11 & 26, 2014	2,327.00
MOUNT VERNON ACE HARDWARE	SUPPLIES TOOLS MISC	ALL	2,224.19
		DEPTS	
IOWA LEAGUE OF CITIES	ANNUAL DUES	P&A	1,994.00
ESCO ELECTRIC COMPANY	WELL #5 BREAKER REPAIR		1,432.64
MOUNT VERNON LISBON SUN	ADS PUBLICATIONS	P&REC	906.45
MOUNT VERNON LISBON SUN	ADS PUBLICATIONS	ALL	750.35
		DEPTS	
WESTSIDE TIRE CO INC	VEHICLE MAINT	PD	592.48
SAM'S CLUB	CONC STAND	POOL	450.97

ELECTRONIC ENGINEERING CORP	INFORMATION SYSTEMS	PW	399.6
GREINER WELL SERVICE INC	WELL COVER GASKET	WAT	306.91
PITNEY BOWES	SUPPLIES	ALL	277.9
		DEPTS	
DOORS INC	KEY IN LOCK,KEYS	P&A	267.7
MOUNT VERNON LISBON SUN	CABLE TV ONLINE	KMVL	260
TRAVER, DEAN	KMVL RENT		250
TRAVER, DEAN	KMVL RENT		250
TRAVER, DEAN	KMVL RENT		250
MOORE, JAMES	MONTHLY MILEAGE	P&A	238.1
LANGES SINCLAIR SERVICE	FUEL	FD	222.27
WENDLING QUARRIES	STONE HYDRANT REPAIR	WAT	212.9
KIPLINGER LETTER	SUBSCRIPTION	P&A	163
PLUMB SUPPLY CO	SUPPLIES	POOL	151.88
HAWKEYE READY MIX	L.S. PANEL PAD	WAT	139.17
LINN COUNTY PLANNING & DEV	BLDG PERMIT FEES INSPECTIONS		130
HUEBNER, JANET	REFUND	P&REC	119
STORLA, PATRICIA	CLEANING SERVICE	FD	100
AIRGAS INC	SUPPLIES	PW	99.31
GAZETTE COMMUNICATIONS	PUBLIC HEARING	P&Z	98.96
STORM STEEL	SUPPLIES	PW	94.24
DAUBS, DANIEL	MILEAGE	PD	82.32
WENDLING QUARRIES	HYD REPAIR	WAT	80.22
BEIMER, MICHAEL R	MONTHLY MILEAGE	P&A	79.2
JOHN DEERE LANDSCAPES	SUPPLIES	RUT	71.38
BENHART, SHERRIE	CLEANING SERVICE	ALL	67.5
		DEPTS	
BALICHEK, RITA	CLEANING SERVICE	P&A	67.5
B4 BRANDS	HAND SANITIZER	P&REC	59.95
MOUNT VERNON ACE HARDWARE	EQUIP MAINT	FD	54.8
BENHART, SHERRIE	CLEANING SERVICE	P&A	52.5
BALICHEK, RITA	CLEANING SERVICE	P&A	52.5
MOUNT VERNON FIRE DEPARTMENT	FITNESS CENTER MEMBERSHIP	FD	50
OWENS, STEPHANIE	DEPOSIT REFUND	WAT	47.07
NEAL'S WATER CONDITIONING SERV	WATER SALT	PW	44.5
LYNCH FORD	5K MI MAINT CHG OIL FILTERS	2009 F150	38.31
GORDON LUMBER COMPANY	BLDG SUPPLIES	RUT	36.3
CAMPBELL SUPPLY CEDAR RAPIDS	6 INCH BLADE	RUT	30.67
GROSSE, NATHAN	DEPOSIT REFUND	WAT	30.36
SPRINGER PEST SOLUTIONS CORP	PEST CONTROL	VC P&A	30
HANNA, DAWN	REFUND	P&REC	28
LETTER PERFECT & RECOGNITION	MAGNET NAME TAG MAYOR	P&A	25.5
	MOORE		
IOWA STATE UNIVERSITY	CERTIFICATION FEES/S. BOREN	FD	25
PITLIK, TAMMY	REFUND	P&REC	12
ELECTRONIC ENGINEERING CORP	PAGER SERVICE	EMA	11.95
LIGHTBODY, TREVOR	DEPOSIT REFUND	WAT	11.73
SCHIMBERG COMPANY	MAINT	POOL	10.97
PLAYER, SHERENE	REFUND	P&REC	6
		TOTAL	223,416.57

- c. Approval of liquor license renewal for Casey's General Store and Cornell College.
- d. Approval of new liquor license for Si Senior (previously El Sol).

4. Open forum: each citizen limited to 5 minutes per discussion item.
5. Mayoral recommendation to appoint Joan Burge to fill vacancy on Planning and Zoning Commission. Discussion and possible action. Motion made by Niemi to approve the Mayoral recommendation to appoint Joan Burge to fill vacancy on Planning and Zoning Commission, seconded by Hampton. Carried all. Absent: Roudabush.
6. Public Hearing on the proposed Amendment No. 4 to the Mount Vernon Urban Renewal Plan. Motion to open the Public Hearing made by Hampton, seconded by Niemi. Carried all. Absent: Roudabush. Giving a brief history Beimer explained that the 1993 Urban Renewal Plan has been amended in 1994, 2006 and last year. By updating the URP the City can use TIF dollars as the revenue source to repair or replace the equipment at the pool. When the plan was amended last year the pool was not part of the process because the severity of the problems were not realized. Most of the pool equipment (pumps, motors, infrastructure) is original which would make it about 20 years old. Continuing he said that the pool is a valuable resource that is used not only by those who live in Mount Vernon but also from surrounding communities. By amending the URP the City will accelerate the repayment of debt and use TIF to finance the rehabilitation and reconstructing of the pool. The maintenance and repairs are slated to begin when the pool closes for the season and will be completed before the pool opens in 2015. There is only this one single item amending the URP. The language says the cost is not to exceed \$225k total but that doesn't mean the entire amount will be spent. If the cost does exceed \$225k than anything above will be paid from a different source. There will be no increase to property taxes. Niemi said he thought this is a legitimate and creative use of TIF dollars. Eldean Borg asked how TIF dollars work to which Beimer explained the tax receiving entities (county, schools, Cornell College) make up the tax levy. TIF takes the money that would be received by those other entities less any debt service they have and it pays for this project. After the project is paid for the increment goes away and the tax receiving entities receive what they normally would receive through property taxes but may benefit from the increased value the project may now have. Before the URP was amended the City was required to hold a consultation hearing on the proposed project. Notices were sent to the school system, Cornell College, and the County informing them of the City's intent. No arguments were heard from or filed from any of these entities either in written form or orally. Hampton motioned to close the Public Hearing, seconded by Thompson. Carried all. Absent: Roudabush.
7. Resolution #7-7-2014A: Resolution determining an area of the City to be a blighted and economic development area, and that the rehabilitation, conservation, redevelopment, development or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of the City; designating such area as appropriate for urban renewal projects; and adopting the Amendment No. 4 to the Mount Vernon Urban Renewal Plan. Hampton made a motion to approve Resolution #7-7-2014A, seconded by Niemi. Roll call vote. Carried all. Absent: Roudabush.
8. Resolution #7-7-2014B: A Resolution fixing date for a meeting on the proposition to authorize a Loan Agreement and the issuance of Notes to evidence the obligations of the City thereunder (Not to exceed \$2,700,000 General Obligation Capital Loan Notes, Series 2014). Beimer said that the City has a very aggressive public works project list for FY14. Those projects include the

reconstruction of 7th Street NW, 5th and 3rd Avenue overlays, sidewalks, crack sealing, signal lights, crosswalks. Also included in this bond are monies for FY16 and FY17 projects identified in the Capital Improvements Plan; 8th Street NW, Lisbon Road overlay, crack sealing, Palisades Road overlay, 1st Street W bridge repair and possibly the wagon pass. There will be no increase to property taxes. Motion to approve Resolution #7-7-2014B made by Hampton, seconded by Taylor. Niemi moved to amend the motion to fix the date for July 21, 2014, seconded by Hampton. Roll call vote. Carried all. Absent: Roudabush.

9. Resolution #7-7-2014C: A Resolution fixing date for a meeting on the proposition to authorize a Loan Agreement and the issuance of Notes to evidence the obligations of the City thereunder (Not to exceed \$400,000 General Obligation Capital Loan Notes, Series 2014). Beimer said this again is a resolution fixing the date for the \$225k Amendment #4 to the URP. Bond Council put in \$400k because that is the limit that the City can approve without putting it to a public vote. The reason for the bond split (agenda item's # 8 & 9) is that the \$2.7 mil bond is an essential corporate purpose bond financed by LOST whereas the \$400k is a general purpose bond financed with TIF. Taylor moved to approve Resolution #7-7-2014C fixing the date for July 21st for a meeting on the proposition authorizing a loan agreement and the issuance of notes, seconded by Niemi. Roll call vote. Carried all. Absent: Roudabush.
10. Resolution #7-7-2014D: A Resolution approving transfers. Beimer explained that these yearly transfers from different sources pay for debt service payments. Motion to approve Resolution #7-7-2014D made by Hampton, seconded by Niemi. Roll call vote. Carried all. Absent all: Roudabush.
11. Presentation by representatives from ECICOG, to brief Council on Housing Fund for Linn County. John Harris, Linn County District #5 chairman of Housing Fund for Linn County introduced Tracy Achenbach who gave a brief presentation explaining a repair program which can assist homeowners. Income-eligible homeowners are eligible to apply for a maximum of \$5k for minor home repairs. Residents can find more information and contact numbers on the City website (www.cityofmtvernon-ia.gov).
12. Presentation by Drew Martel, Mobile Crisis Coordinator for the Linn County Foundation 2 Crisis Center, on services they provide. Drew Martel said that he is trying to reach out to all of the communities in Linn County to make sure they are aware of their services. Mobile Crisis Counselors area available to respond on scene to any crisis in Linn County 24 hours a day, 7 day a week at no charge to Linn County residents. Providing service since 2004 Martel said that one of their primary goals is to prevent unnecessary hospitalization, use of law enforcement or medical professional's time. They are able to provide on scene counselors within one hour of contact and respond to everything from suicidal individuals, families or individuals experiencing unexpected grief or loss and family disputes. More information and contact number are on the City website (www.cityofmtvernon-ia.gov).
13. Request from Mike Woods to address Council concerning Veterans Memorial proposed project at cemetery. Discussion and possible action. Mike Woods, Post Commander of Local American Legion post, presented Council with a prototype design of a War Veterans Memorial and requested funding for the project. Mr. Woods stated that there has been a need in the community

to replace/improve the current memorial at the cemetery for some time. The new memorial would be constructed on a site approximately 35' by 35', which would still allow for the service lane that provides vehicle access. The structure was designed by local architect Jim Baty properly honors veterans and would be visible from Highway 30. The estimated cost of the project is about \$65,000.00 depending on the cost of materials and labor at the time of construction. Hahn-Howard Post 480 has designated \$10,000.00 and the Legion Auxiliary has offered \$2,000.00 for the project. Much of the remaining balance is expected to be covered with by donations and grants. Hampton asked who would be responsible for the upkeep and maintenance of the memorial to which Woods replied that it would be taken care of internally but would need to be discussed with City officials. Woods said that a local electrician volunteered his time and equipment to provide lighting to the flag and memorial. Hampton asked if they are asking for a certain dollar amount to which Woods replied not at this time. When asked if there was a starting/completion timeline Woods said 3-5 years and could change with the availability of money. Council was in agreement that this is a great project. Beimer reiterated that Council would probably support this project but would need more information and he said he would have public works measure and check to make sure that the land is available. Taylor suggested that it be part of the FY16 budget discussions.

14. Opening of sealed bids received for used outdoor warning siren and possible award of bid. Bids must be submitted whenever disposing of City property. Because none were received for the outdoor warning siren Council gave permission to Beimer to negotiate a price to sell.
15. Police Chief Report. A copy of the report is on file at City Hall or on the City website.
16. City Engineer updates on Public Works projects. Boggs said he has spent his time focusing on the traffic signals and storm damage. 7th Street NW bid has been awarded to Rathje and probably will work in August. The Hwy 1 overlay is complete. Sidewalks have been re-inspected but last year's letters have not been sent out to those who have not completed the work.
17. Report on the City of Mount Vernon's response to rain and high wind events of past week, status of City infrastructure. Water service was not affected by the storms. Stand-by power operated correctly during all power outages. The City-School detention facility was not damaged and the outlet control functioned correctly. The excess flows at the drainage way SE of Stonebrook and Lot 32 were contained with no significant damage. The drainage way S of Hawkeye Ready Mix adequately contained the storm water. At Fifth Street NW storm water flows were not contained and overflowed into several adjoining residential basements. Although much repair and maintenance work has improved the operations the system still was not adequate for this storm event. The drainage way contributing to the existing reinforced box culvert beneath Palisades Road overtopped the road. This led to flooding of the standby power generator and lift station controls for the Twin Creeks Lift Station. The most significant sanitary sewer issue was the WWTP was flooded. With an average of 350,000 gallons per day the flow measurement was between three and four million gallons during the storm.
18. Discussion and possible action regarding the scope of work, project concept, and course of action for the signalization and intersection improvements at Iowa Highway 1 and First Street, Mount Vernon. Boggs started the discussion with the history of the project; all four old signals were

removed, the sidewalk pavement has been removed except by The Skillet, the electrical conduit under the street has been installed, and there are eight temporary signals that have been rented and operating. The topography and drafting work has been completed to the phase of contours and existing grades. Three of the four corner grades and geometrics are set for how the curbs will be put back. The application for an agreement for approval for a traffic control device has been submitted to the IDOT and forwarded to Ames. Boggs said he is continually with the sight design; there will be four completely reconstructed corner returns that he hopes to fully conform with the ADA but may have to ask for some variances. There will be two new brick paver pedestrian crosswalks on First Street. There will be four new signal poles that will have pedestrian signals on them. We will use the existing controls and control cabinet. Boggs continued saying this will consist of two separate projects; one will be for the signals themselves the other will be for the concrete work. There will be a public bid process. The IDOT prefers the mast arm signals because they will be right in the flow of traffic's vision. It will increase the cost of the project but IDOT may be willing to pay for part of the installation. Taylor said she is not a fan of mast arms and thinks it will "spoil the look" of the intersection and asked what the cost difference would be. Boggs said he has sent an email to Ames asking if this was a suggestion or a requirement and was told that the City is required to put mast arms in but there is a possibility of stand-alone signal poles on First Street. He did not know the cost difference at this time. The Streetscape plan does not include mast arms. Niemi asked if there was any way the City could appeal the decision to which Boggs said he could appeal it but was not hopeful the decision would be changed. Boggs said that the City is paying \$8,400.00 per month for the rental of the lights now being used and the new permanent lights may not be installed until next spring. The City has the opportunity to install some temporary lights (poles and lights) for about \$15k. Council was in agreement that this was a better solution and instructed Boggs to proceed with the "temporary permanent" plan which consisted of installing four wooden poles and light hardware from Marion.

19. Discussion and possible action on safety issues and concerns at intersection of Highway 1 and Palisades Road for pedestrian crossing and fire trucks leaving station, crossing through said intersection. Contact IDOT to see what they would allow to address these safety issues. Niemi asked to address this; the recent situation with pedestrians crossing Hwy 1 at First Street has brought this into focus. Niemi said the situation at Palisades Road is worse than First Street because the speed limit is higher, there is less of a break in northbound traffic due to the roundabout, and there are more lanes of traffic to cross. Taylor said the Fire Department has had some difficulties getting out onto Hwy 1 from Palisades Road due to heavy traffic. What Niemi proposed, if Council agreed, was to pursue installing an "on demand" stop light. This would allow both pedestrians and fire trucks to cross safely. Boggs was asked to write a formal request to the IDOT stating the above. Boggs asked if this would negate the plans previously discussed at Fourth Avenue which was traditionally the route to school. Boggs said there has been some "push back" from the IDOT regarding putting signals or any type of advanced warning for the fire trucks because the driveway to the fire station does not directly access Hwy 1. Boggs said that he would pursue this request.
20. Discussion and possible action on setting up a venue for any City employee to meet with a Council member one-on-one to confidentially discuss any issues they deem relevant to the overall efficiency and morale of the City. Niemi stated employee concerns need to be taken to their

immediate supervisor first. Taylor added that any employee can choose to discuss issues with council as any other citizen, and that city council members certainly could take it up with Mike and it would be coming from a different direction. During the transition it might be easier for some city employees at this point to talk to one of the council members, and it might be very instructive as council moves ahead with the process to hire a public works director. Thompson felt all matters discussed should remain confidential and the value of employees is important. Hampton reaffirmed conversations need to start with the supervisor, depending on what the topic of conversation is. If they may be uncomfortable, or there is a lack of confidence. But ideally these conversations can take place with the supervisor. But if there is lack of trust or lack of confidence in that individual then there has to be another route or another avenue. The last thing council wants is lowering the morale of the workers. Council needs to keep a pulse as best they can and when a director is hired then that option will be there. Moore commented and reaffirmed with the city attorney that once an item goes into a written form such as an e-mail it becomes a matter of public record. After discussions and review of recommendations from the city attorney consensus is that employees can meet with council on a temporary basis until a public works director is hired, then the procedure would be to follow the council approved chain of command.

21. Discussion of the Mayor's role in the City of Mount Vernon's approved organizational flow chart as it relates to both the chain of command and the expectations of Council and the community as the Mayor functioning as the Chief Executive Official as opposed to daily hands-on management and direction of City work force. Council member Hampton requested this item comments be verbatim. Mayor: I guess that kind of brings this up to me. I have given this a lot of thought and I guess this is where the old saying goes the shit hits the fan. Three times it has been on the council meeting, me and Mike sharing it. Ok, in case you didn't know that, Marianne, it's in record. But, Mike chose to stop that as of July 1. Seriously, it don't make no difference how you do it, I am still the commander in chief of it, I'm gonna accomplish what I want to accomplish, whether I go through Mike and get it done, which is not good for Mike, or, I go and do it myself. And so from here on out, the chain of command is whoever the fools was that wrote all that there up, there never used to be any of it that way, but anyhow, the way it is, I got two people under me, Mike and Mark. If there on out that is how I have to run the departments, is the way I understand it, and I right on this, Bob? That's the way I have to run the departments. Attorney Hatala: Well, it's more nuance than that I think, because there is a job description for the city administrator in the code, going back to the code, says, that the mayor
22. supervises, I am paraphrasing here, the mayor supervises the departments, except what is given to the city administrator, and so then you have to look at what the code says and what the job descriptions say and that type of thing. So then it becomes, what does it mean for the mayor to supervise the departments if the city administrator has this authority and that otherwise would be the mayor's, what is the mayor's role in that. It is not clear at all what that roll is. Generally the mayor/council form of government in Iowa the power, the legislative power is the council and I believe that is why the code is written the way it is that the mayor is the supervisor except that which is granted to the City Administrator. But that grant of authority comes from council, so it is not entirely clear, in fact I think the handbook information that is provided says that as well. But I think the general authority comes from the legislative power of the council to set the scope

of the authority for the city administrator on down. Where that leaves the mayor is unclear. Certainly the mayor has some legislative authority and responsibility as well as council does through running the meeting, veto, and that kind of thing. It is just not 100% clear as to what the mayor's authority is with respect to the city administrator and the working relationship there. With the police department, and I think it is different than with the police department as well, because remember the code says that the mayor is the supervisor except with the authority that is given to the city administrator. And now in Mt. Vernon's case, the police department is specifically accepted out of any authority by the city administrator. So that supervision that we are talking about I think applies from the mayor to the police department. Moore: It does, according to our chain of command. Attorney Hatala: Less so, or at least less clear with respect as to how it works through the city administrator. Now, does that mean the mayor can direct the city administrator to do a, b, and c? To some degree I think that is dictated by what the authority is that is granted by the city code which says what the authority of the city administrator is and the approved the job description, and in this case because there is a contract, the contract the city administrator has with the city, it's a long round-about way, I think of saying, and the short answer is, ultimately with respect with the city administrator I think it is the legislative authority of the council that ultimately controls that. But that doesn't mean that the mayor has absolutely no authority, I just can't tell you exactly what that authority might be and the extent of that authority but I think it is limited by the legislative power of the council. Does that clear things up or muddy it up? Hampton: That didn't help at all. Niemi: Let me try to shorten it up a bit. How about a quick answer to a short question. Who does the CA report to? Attorney Hatala: I would have to go back and look to see what it says in the code, but it's the council that appoints the city administrator, and this is not necessarily escaping from the legal part of this to the more practical part of this, it's going to be as a practical matter, how the mayor, city council and city administrator interact. Because you can have those lines of authority, if the city administrator and council decide that they are the ones that are going to have the lines of authority, then that's where the line of authority will end of being. If council abdicates, kind of waves or doesn't take that authority then there is going to be authority that fills the gap so to speak. But I think you have to look at that, in this case, what is the authority of the city administrator, and the city administrator carries out that authority, the council ultimately is the one who appoints the city administrator and they are the only one that can remove them. So if there is a conflict between mayor and city administrator, the council will resolve that conflict. The council either says, city administrator you do what we tell you to do, or they fail to do that and the mayor does that, as a practical matter, it is the interaction between mayor, council and administrator that controls that. Beimer: I have a question, just for clarification. I guess I am a little confused Jim. I believe you said on July 1st I chose to do something differently. What were you referring to then, as far my duties and responsibilities? Moore: I didn't say you was not going to, you said chose to get a public works director, and so therefore you was going to take it over and run it. So now if I go talk to Dan or whatever I come and get permission to go down and talk to Dan. If I am going to talk to anybody I get permission to go talk to somebody else. If I've got street work that needs to be addressed. Mike: I am still unclear what does July 1st what does that have to do with anything? I am still not clear. Niemi: I think what Jim is referring to is that we agreed after

Loren resigned we agreed to revisit this in six months. I think that is where that came from.

Beimer: Ok. The contract was the same as it was two years ago, as it was four years ago, as it was six years ago. The language has not changed.

Moore: Nobody is talking about your contract, Mike. Nobody said a thing about your contract. We are saying your duties as of July 1st, actually it was the 23rd I think it was when this came down, you decided at that point there you was going back to the way it was on the 1st of January and that I wasn't going to be working with you as partnering on that, three times it was in the minutes before that we were going to work on that together. So you chose to put the mayor out, which is fine I can go by the way your little charts are drawn up and stuff but before I go talk to Dan I come up and get permission and if you are not there I ask Sue. If you are there I will ask you. Do I expect you there more, yah. You are there for a reason and I, you always say you are on with your I-pad and your phone and stuff, that is fine, but, the whole thing in a nutshell is period, it's eight hours a day at city hall. And, I am on duty 24 hours a day with my phone too. I hate to bet I haven't got calls tonight sitting on my kitchen table down there and now my wife's taking it. So what I am saying is, availability is a big thing, before I go talk to anybody on anything, I will get permission.

Beimer: I am still not clear on the June 23rd.

Taylor: Can I interject for a moment. I think that what Jim, you are missing the point, that it was council, at our last meeting said that.

Moore: Your special meeting.

Taylor: It was council, as Bob pointed out we were acting in our role as council, to say that we need to adhere to our flow chart, to our chain of command, and to the way things work in the city, and that we haven't been happy with the that way things have been going, because it hasn't been clear largely to our city employees as to who is in charge. To clarify that we agreed that we wanted to hire a public works director to make that easier to fit in the pieces but Mike didn't decide to do anything differently. Council told, said that we had to do things the way they are supposed to be done.

Moore: OK.

Taylor: That was council, it wasn't Mike.

Moore: Mike has also said he was in favor of getting another public works director, which is fine, it was a trial thing. Now, like I said, but the city is still going to operate and operate functional. You want to take it up upon yourselves, go talk to all the city workers, they think it is pretty neat, when there is somebody actual there that can make a decision on getting something done and getting it done right over running around looking for somebody, or trying to call somebody to get a decision, then when they do get a decision over the phone, nothing is wrote down and they don't know if it is going to be backed up or not.

Taylor: I think that is why we want to hire a public works director.

Niemi: We had that before.

Taylor: That person, that is the one who is responsible, and that person does report to the city administrator, but any the areas of the job description for the public works director, that person is in charge of all of those issues that come up and that's where the problem has to go to that person. We are operating without that role currently so we are in an interim situation and Mike has the authority in between until we get that position hired.

Hampton: With direction from the council.

Taylor: Yes.

Moore: So, where are you going with item 21 here?

Taylor: Well, I think one of the things that we need to clarify, and this is what we talked about and I tried to explain last week as well, that the understanding, and Bob didn't necessarily clarify, but gave us another way of seeing the whole position and saying there is some gray area there. I guess the way that I am reading both the job descriptions for the mayor and for the city administrator as well as the code of Mt. Vernon, that it is the chief executive

office as mayor and you as mayor are the chief executive officer and are responsible for those executive decisions rather more so than the smaller matters, the individual smaller matters.

Hampton: Day to day. Taylor: Yes. The day to day has to be handled by people who work for the city and you as the mayor are to oversee that and I think that there are so many roles that our mayor can fulfill for us that are important roles that are in some ways better suited for the mayor than for someone than are some of the day to day kinds of issues and I think that involves economic development, it involves relations with our neighboring communities, it revolves what is happening, what's going to happen going forth with annexation, these are big executives kinds of issues and decisions, and I think that we need leadership in that regard. Moore: Well I think I have fulfilled pretty much every one of them so far for you Marianne. I am one of the only mayors that ever went over and had coffee and stuff with the mayor joining us. And, I have worked on annexation already, I have got commitments from three people already, you know, economic development, first you have to give me the go ahead and do it out there before we can do any of that, and that's not done yet. We've got a ways to go and I sure hope that you don't sit around here sitting on your thumbs and trying to figure out a way to get something done out there. That's the bread and butter to our city is out there on highway one and it does have to get done. As far as annexation goes, everything on highway one is already done. It's done.

Everything on highway one is done. I am going across the fields now. And, the maps down there, everything is on it, it's wrote down, and all of these people, I have worked with them for forty years, I know them all, every one of them out there, and most of them wouldn't be near as acceptable to any of this if it wasn't for somebody they know and they can trust them there. I guess what it boils down to here, that is immaterial of all this here, I already know what I am doing on all that there. What you are saying here is you think you got somebody good enough to run the day to day basis and where we have a meeting once a week, and they only tell us what they want us to know. If you don't go out there and find out what is to be done, you don't know. And they don't pull none of that wool over my eyes, because I generally do know what is going on. And if I only can do it officiating at that meeting, trust me, I can do it there. But I'll just have to take notes all the way through the week so I know. There's nothing, you can't stop me from going out and talking to people in the field, period. I can't give orders. When they ask me questions, I've got to say you go back to Mike and get the answers. When something is broke down, why can't we get this fixed. Don't ask me, go ask Mike. Where normally, I have been helping get this stuff done. So, if that's the way you want it, you guys should have been with me and Sue out in the mud and stuff for upteen dozen hours and had less than four hours sleep in two days and one night, but you know, we kept the city running and I really personally think we done one hell of a good job getting it done. You know, but. Taylor: Nobody is questioning any of the things you have done, or in turn. Moore: Well you must be because that is why we are here. Taylor: We are talking, in general, about the role of the mayor with respect to chain of command issues and day to day work and tasks. It's something, that you are seeing it all completely personally, and it's important to understand that this is the way that things are established in the code and the ordinance and he various job descriptions. It's not a matter of saying that it is you personally. Imagine that there were another mayor, imagine the next mayor, saying, whenever that might occur, and this person doesn't have perhaps your skills to take care

of the day to day work. What if I were mayor, for example? Would I be able to get down there and do and work on various city tasks? Moore: I never, that is one thing that is very clear. I do not do no work on nothing. Taylor: But do you see my point? Moore: I showed them how to save money. I showed them how to save \$7,000 the other day. That was our money. Taxpayer's money. Taylor: And I appreciate that. Do you understand what I am saying? That is particular to you and something that you are qualified to do. But not every person who might sit in that chair has that same qualification and abilities. Moore: So why don't you want to take advantage of what's here. I don't think Mike really minded it as bad. We agreed to share this and if anything big come up I come back to Mike and ask on it. Anything big we always talk over together. Yah, I was making decisions out in the field and stuff. I don't think Mike's got any business being out there alongside a big hole 18' deep, or 14' deep or even 3' deep. You know, the whole thing in a nutshell is, the work's getting done, the workers (not audible) is pretty happy about they have somebody there to make a decision for them. Hampton: Do we have a lead operator? Moore: Huh? Hampton: Do we have a lead operator? Moore: Yah. Hampton: What is his role? Moore: Dean. Hampton: Yah. Moore: To oversee. Hampton: So he is not making any decisions. Moore: Well he makes what he can make. Money wise he's still gotta come back to Mike. Hampton: Right what I am saying somebody that is. Moore: And even your public works man should have been doing that because then we wouldn't have bought a truck out of state just because it was white and has 148,000 miles on it and it's a half ton. It's a worthless automobile for the city workers and then he bought this bucket that took me two months to track down for \$6800, that's a used bucket that turned out to be a vibrator plate that goes on the end of the backhoe boom that don't even fit out backhoe. It's just sitting down there, a worthless piece of junk. They wanted to know what to do with it. They put it on ebay. Somebody else has got to be as stupid as we was to buy it. So, that's stuff that you spent worthless money on. I don't think any of that has happened on my watch. So, that is where I am trying to go with this. Am I still going to be watching, yah, it don't make no difference what the council says, I am still the head person on the city. Do you have to have a mayor, yah, that's the law. Do you have to have me? No. You sure don't. But you are stuck with me for another year and a half. So, Taylor: Jim, the whole spirit of this is not, you are taking everything very personally and getting upset and that is not the intent here. It was to have a conversation. And largely it's that every employee has a sense of who to report to and that was our concern. We had an incident, you know, with the crossing and your calling away the person that we thought was going to be, that council said had to be there, a trained crossing guard had to be at that site, and things changed. And, you said that you take full responsibility for it. But we're trying to say, let's not have another situation where that has to happen. Let's be clear. Moore: And if you will remember right on that same council meeting when that was all set up and everything I said you are taking my best operator away. He is the best operator the city has. We needed an expert operator to go out and do that job. Taylor: Well if we needed someone to cross. Moore: Yah. If you put the off duty police officer up there like we discussed here and said that we could do, he was available, you know, we could have had and it would have been 50 hours for the police department. So, from now on, to my, unless you guys totally insist on it, we will not ever use city employees for anything like that, we will just get an off duty police officer or whatever, that should have been there to start with not a public works man. And when you

only have four operators in the whole city, and you take the best one out, we had a critical job to do, yah, so that's how come the man got removed out of there. Dean come and asked me if he could please have him, because he needed him and so, other than just telling him to just set and wait, technically I guess really what really got done was supposed to get done anyway, but that's beside the point. But anyhow, that's just things that happen on a day to day basis. You want somebody to handle them, yah, you're right, you need the person out there to handle them on a day to day basis cause probably after tomorrow I'll have my cancer checkup tomorrow and then fter that I got a bus, a \$350,000 bus that's gonna start moving. So, you know. Hampton: So what is Dean's role if you are making all of the day to day decisions, Jim? Moore: What is his role, Mike, he's just the lead operator. He sets up things to do in the morning. Hampton: He's not responsible for supervision of the crew? Moore: Yep, he goes around and does the best he can. Hampton: So do they report to you or who do they report to? So, if we had all of the workers come in here and ask them who gives you daily direction, who would they say? Moore: Mike, uh, Dean. Hampton: Would Dean agree with that? Moore: Yeh. He has a meeting every morning at seven o'clock, just go down to the shop. Hampton: So why did Dean come ask you if he could pull that city worker off, why didn't Dean make that call, if he is a supervisor? Moore: Because he Hampton: Because he knows he couldn't make the decision. Moore: He should have went to Mike, is where he should have went to on that call. Hampton: Yeh, but he knows ultimately that you're the one that's making the decisions. Moore: Because me and I don't know if Mark was down there or not, Doug was down there, several of us was down there at the intersection at that particular time, we were trying to get the lights running and stuff and making decisions on that there down there, so, like I said, I don't make no decisions no more. That is what you wanted done as of July 1st. It's done. And everybody goes to Mike and I went down there and told them right out personally that from here on out, you got any problems at all, don't call me, call Mike. And then, Jamie: Ultimately they are calling Dean first. Moore: Well, yeh, and Dean has to call Mike. Jamie: Dean should be the one that they call. Moore: Dean is right here to answer the questions in the daytime. He works 7-4. And, you know, we need a, and that is one of the complaints that I get all the time, is, you know, they come up here, and I just tell them, well, if Mike is not here you are supposed to ask Sue. That's what I tell them. Whatever, Sue handles it. Jamie: Have Sue call his cell phone. That is what cell phones are for. Moore: A lot of people don't want to do their business on a cell phone when it comes to. Hampton: I get paid to carry a cell phone for my work. Moore: Mines on 24/7, and it's not just for this work either here, the only place I guess I don't take my cell phone is to a council meeting, as I don't think it is very inappropriate for it to be here. Jamie: I take mine, I don't think it is inappropriate. Moore: Well, you don't answer it. Thompson: Mines on silent. Moore: Yah, that's what I mean. You don't talk on it. Hampton: That would be inappropriate. Moore: That would be inappropriate. At that point I would have to say something I guess. So. Niemi: At this point in the discussion, is there anything that we can agree on that we can take away from what we have discussed already as to item 21? Moore: Well no, it's pretty well cut and dried. The council has already made, if I've got anything to do, I go to Mike. If I don't like what Mike does, then I've got to go back to Mike. So, if Mike ain't there I'm supposed to go to Sue, ain't that right Mike? Beimer: I believe that is what the chain of command says. Moore: I think that's what it says, so

and that chain of command does not say that cause it's never been updated with Sue on there. Beimer: I think it has been updated Scott, er Jim. Moore: Well, the one I have is not updated that way so. It just says mayor, city administrator, line across I'm just above Mark and you, that's what it says, and that's where I'm running this from and no matter what, that's the way we're going to do this. Cause that's the way they say they want it done. Niemi: Actually I see two separate issues here, and I think one of them has been solved, and that's the one regarding the chain of command. The way I understand what is going to happen now is the chain of command is that the city workers for right now report to Dean and if Dean has a question, he contacts Mike. As soon as the public works director position is filled then. Moore: Dean will contact him. Niemi: Dean will contact him and the public works director will contact Mike. Moore: If I have a problem with the public works director I'll contact Mike and Mike's got to take care of it. Niemi: To me, that portion of item 21 seems to be fairly straight forward and resolved. The other part of it is an issue that Marianne raised which is the executive powers of the mayor and Bob eluded to it to where the city code says that the mayor has the authority to direct the departments, but that's more from my reading of the ordinance anyway it's more of a macro power, in other words, it's not like you can go in to the department and say, ok, I want you to do this now, you to do that now, and micro direct the situation, but you can say just as an example, you could say to the public works director I want your department to concentrate on filling potholes on Fifth Avenue this month. I believe you have, that falls into the authority of the executive power to direct the activities of the department. Moore: Well I didn't do it that way. I told Mike here to have them take the 2006 International truck and go down and get a load of blacktop tomorrow and they can proceed on filling holes so they don't break a leg or something on the 5K. The bad potholes need to be done. Niemi: Bob, do I have that right? Attorney Hatala: There is that provision that says except for those duties and responsibilities granted or given to the city administrator, to the extent that the line of authority that you just described, is within the city administrator's role because of the job description and the chain of command and the organizational chart, then I think that would fall more into the city administrator's/public works kind of chain of command. Now, does the mayor/council have some kind of priority setting authority? I think it does ultimately. That's what their, that is kind of their. Hampton: Function. Attorney Hatala: Yah, the function of the mayor and council is to have that kind of authority. This present council has kind of, at least with the newer members, has taken on the kind of direction that is focused on infrastructure. That is certainly one function of the mayor and council is to set those broader goals and aspirations for what it should be. But I think that kind of line of authority that you were talking about I would look at it a little differently because it does say except for the responsibilities given to the city administrator so long as the public works department is under the city administrator I think that goes to the city administrator. But, the direction of where the focus is going to be, from as you say the macro point of view comes from the function of the city council and the mayor. Taylor: Bill, I guess the way I would interpret what you said would be that it would be perhaps the mayor's, you know, prerogative to have that conversation with the city administrator. Moore: That's right. The way I understand it too. Taylor: But I would like to see this get accomplished within the next month, and to have that conversation with the city administrator and see. Is that a likelihood? Moore: But on the deal.

Taylor: This is what I would like to see (inaudible) Moore: that took place tonight, the Heritage Days is this weekend. It has to be done this week. It's no month to it. It either gets done, or we can't have the parade whatever or the 5K run whatever. You cannot run somebody down that street with potholes halfway up to your knees. So. Thompson: Public safety issue. We've got it. Moore: Yes. So, there. Niemi: Well, I am just trying to make sure that when we close the discussion on item 21, that we've created more clarity than obscurity, and um, so. Moore: To me Bill, it's very clear on it, you know. If I want something done, or I see something that needs done, I go to Mike, and I put my case to Mike, Mike relays the message. Whether he does it in six months, six hours or six minutes, that becomes on his shoulders. But when I see something that needs to be done, I go to Mike, Mike gets it out from there, otherwise, then it's a done issue. I guess you really don't want a mayor, you want a babysitter. What it boils down to. So a, yah, the knowledge, you're right, you know we have not had a mayor that had any knowledge in these fields. They have a lot of knowledge in a lot of other fields. They are very wise in a lot of different ways but as far as how to fix a water valve or how to shore up a hole or how to direct water, they didn't have a clue on how to do any of that. So, I have done that now, well, for the better part of 72 years, so I guess yah, I have learned pretty well how to do it. I have done federal ponds and I've done just about anything you can about name I've done, and as far as streets and waters and sewers and things like that goes I have one goal left in my life, and I am 72 years old, that I haven't achieved yet, but I'm working on it. I want to fly a jet airplane. That may happen yet. You never know. Never say no. Attorney Hatala: Bush just jumped out of an airplane again, with parachute. (inaudible) Moore: My son went out one day and brought back pictures. And he jumped out, and I said well why, what did you jump out for? What was wrong with the airplane? He said nothing. Well that shows you ain't got much sense that you jumped out of a perfectly good airplane. You know, it wouldn't be for me. I don't got no deal for parachuting or anything like that. You gotta have a bucket list. Mine has always been I want, ever since I came to Mt. Vernon and I went into the fire department. When I first came down here I looked at the locker plant and I looked at the house and the second place I went was I went over to the bank and I checked out the bank and had a visit with him and he said something about making out this, and I said you played pool with my banker last week go play pool with him again you'll get to know all you need to know. I went over to our fire department and I thought Christ almighty I was in the New York Fire Department. Wow. You know. We had a 58' pumper and a 60' tanker. And that was in 75', or 74'. And on I have been on all the boards in the fire department, I've held everything but chief, and I declined that. You know, I was emergency management director for 33 years in this town. There is just not too many aspects that I guess I haven't done. I have been on council, I don't know, 6-6 1/2 years, whatever it was. But do I know construction, you're damn right I know construction. So, if you guys think you can get by, by going like you have been, and they just come in and tell you, and I have proven it, in the last month, all they tell up here is what they want them to know. They don't, they're not going to say anything that's not, they know I know so they gotta tell the truth. I am still going to continue to be up here, I am just not going to give orders. And, uh, when they ask me something even though it is right there in front of your face, you got to go ask Mike, you know, so we'll lose time that way. But that's beside the point. Thompson: You can provide that insight for them too, and I hope you would. I mean, as

you watch things you can provide that insight too and your information on, when we bought the dump truck was valuable, because I do not have any construction experience. Moore: You go back and look at every truck we've ever bought. We've bought at least two boxes for them, cause they always rust out and rot out. This time it won't happen, cause they got stainless steel.

Thompson: But let me finish. For the executive part, what we are talking about, is we do need to work on the economic development issues, and we can use you in that part too. We can, I would like you to work as a team. I know we have gotten in a rough patch right now, but I think we can get beyond that, and I am looking. Moore: You guys wrote the chain of command. Thompson:

We did. Moore: and I told Mike I was just going to follow it. I told Mike I'd help him all I could on it. I've done it and you guys say you don't want to do that, now it's up to Mike to do it. I am just the chief. Thompson: You are the chief. Moore: I'll wear the big feather. Whatever, but when I see something that has got to be done and it should be done, you are damn well gonna know it, and that's just the way it stands. So you can take it for what it's worth. Now we've beat this here enough.

23. Old Business. None.

24. New Business. None.

As there was no further business to attend to the meeting adjourned the time being 9:55 p.m., July 7, 2014.

Respectfully submitted,
Sue Ripke
City Clerk

Reviewed and approved,
Michael R. Beimer
City Administrator